

**DEPARTMENT OF THE ARMY
HEADQUARTERS, 101ST AIRBORNE DIVISION (AIR ASSAULT) AND FORT CAMPBELL
Fort Campbell, Kentucky 42223-5000
17 February 2000**

Military Operations
JUVENILE OFFENDER PROGRAM

The masculine pronouns used in this regulation refer to both the masculine and feminine genders unless the context clearly indicates otherwise.

1. **PURPOSE.** This regulation establishes uniform policies and procedures for the disposition and rehabilitation of juveniles involved in criminal conduct or other acts of misconduct committed within the jurisdictional limits of Fort Campbell.

2. **APPLICABILITY.** This regulation applies to all individuals assigned to or physically residing within the jurisdictional limits of Fort Campbell. Violations of law or regulation, or other misconduct, committed on Fort Campbell by a juvenile whose parent or legal guardian is not an active duty soldier, will be referred to the appropriate local or state civilian authorities and/or handled through federal juvenile proceedings.

3. **POLICY.**

a. Fort Campbell is subject to exclusive federal jurisdiction. The Federal Juvenile Delinquency Act of 1974 (Title 18, United States Code, Sections 5031-5042) applies to Fort Campbell. The provisions of Kentucky and Tennessee state law are also applicable to Fort Campbell pursuant to the Assimilative Crimes Act (Title 18, United States Code, Section 13).

b. This regulation provides an administrative method of adjudicating offenses committed by juveniles. The procedures within the regulation are designed to complement local, state, and federal court proceedings. In appropriate cases, action may be taken pursuant to this regulation in addition to formal local, state, or federal court proceedings.

4. **DEFINITIONS.**

a. Command Representatives. The commander or first sergeant of the juvenile's sponsor. The commander or first sergeant may send another representative to the Board hearing, but must provide written justification to the Board of the reason why they cannot personally attend the hearing. Command representatives, including substitute representatives, must be senior to the juvenile's sponsor.

b. Community Service Work. Work performed by a juvenile offender on Fort Campbell or at a designated federal, state, or local agency. The juvenile offender will not receive any wages or any type of compensation for such work. The juvenile's sponsor will personally supervise performance of community service work unless excused in advance by the Garrison Commander or Garrison Command Sergeant Major.

c. Curfew. Designated time after which a juvenile offender is not permitted to be outside the boundaries of his home. Curfews will be from the designated starting time to 0600 the following morning.

d. Hearing. The Juvenile Probation Officer, the Provost Marshal, or the Juvenile Administrator may refer a suspected juvenile offender to the Board for a hearing. A suspected juvenile offender may also request a hearing before the Board. The sponsor will appear with the juvenile. Hearings for the Board will not be open to the public.

e. Juvenile. Any unmarried person under the age of 18 who is not a member of the Armed Forces.

f. Juvenile Administrator. The Garrison Commander.

g. Juvenile Offender. A juvenile who commits or aids another juvenile or adult in committing an act which constitutes criminal conduct under local, state, or federal law, or endangers the health, welfare, safety, or morale of any individual on Fort Campbell.

h. Juvenile Review Board. A seven member board that reviews juvenile cases and makes findings and recommendations to the Juvenile Administrator for final action. The board is also authorized to immediately impose interim restrictions, curfews, and other appropriate sanctions when deemed necessary to protect the community's interests.

i. Juvenile Probation Officer. A representative of the Provost Marshal's Office who monitors the progress of juvenile offenders and ensures compliance with all directed or agreed to administrative sanctions.

j. Military Police Investigation Section (JUV). The section of the Provost Marshal's Office that investigates and coordinates all reported cases of juveniles involved in misconduct.

k. Minor Offense. An offense which is considered a misdemeanor (under state or federal law) or for which the penalty is six months' imprisonment or less. In determining the maximum penalty for an offense, reference should be made to federal law and state law applicable under the Assimilative Crimes Act. Offenses which are status or regulatory violations will be treated as minor offenses.

l. Probation. A period of evaluation during which a juvenile offender will be monitored to ensure compliance with directed or agreed to administrative sanctions. While on probation, the juvenile offender will be required to comply with all administrative sanctions imposed by the Juvenile Administrator, meet as required with the Juvenile Probation Officer, refrain from the violation of any law (federal, state, or local) or regulation, attend school regularly, and if not otherwise restricted, abide by a curfew of 2100, on Sunday through Thursday, and 2200 on Friday and Saturday.

m. Restriction. Sponsor-controlled movement to or from a specified activity, area, or building. It may also include required times to be present in quarters or refer to designated places which are off limits to a juvenile offender.

n. School Resource Officer. A representative who is identified by the Fort Campbell school system or by Department of Defense Dependent Schools (DODDS). The SRO serves as a liaison between local schools and the Juvenile Offender Program.

o. Serious Offense. An offense which is considered a felony (under state or federal law) or for which the penalty exceeds six months' imprisonment. In determining the maximum penalty for an offense, reference should be made to federal law and state law applicable under the Assimilative Crimes Act.

p. Sponsor. The active duty soldier, parent, or legal guardian of a juvenile.

q. Supervised Probation. Probation which requires the sponsor and juvenile offender to periodically meet with the Juvenile Probation Officer.

r. Unsupervised Probation. Probation which does not require the sponsor or juvenile offender to meet with the Juvenile Probation Officer.

s. Work Unit. One work unit equals eight hours of community service work.

5. RESPONSIBILITIES.

a. *Juvenile Administrator*. The Juvenile Administrator will take final action on all findings and recommendations of the Juvenile Review Board. He will ensure that the disposition of juvenile matters pursuant to this regulation are handled in a fair, just, and consistent manner.

b. *Juvenile Review Board*. The Juvenile Review Board will conduct hearings pursuant to this regulation. It is responsible for submitting findings and recommendations to the Juvenile Administrator on all matters properly brought before the Board. The Board will meet monthly to conduct hearings (if scheduled) and/or review other juvenile matters. By call of the President, or the Juvenile Administrator, the Board may meet more than once a month. The Board is also authorized to immediately impose certain sanctions, including restrictions and curfews, which it may order into effect before the Juvenile Administrator takes final action on the case.

c. *Provost Marshal*. Investigate and report, pursuant to regulation, acts of juvenile misconduct. Coordinate all cases of juvenile misconduct with the Magistrate Court Prosecutor (minor offenses) or the Felony Prosecutor (serious offenses). The Provost Marshal will also appoint, in writing, one or more Juvenile Probation Officers and provide administrative support to the Juvenile Review Board.

d. *Military Police Investigation Section*. Responsible for overall coordination and processing of juvenile offenders. Serves as a liaison between Fort Campbell and local and state juvenile authorities and agencies.

e. *Juvenile Probation Officer*. The Juvenile Probation Officer(s) [JPO(s)] will be a member of the Military Police Investigation Section. Provide a nonadversarial presentation of all cases before the Board. The JPO is responsible for ensuring compliance with all decisions of the Juvenile Administrator.

(1) The JPO will, at a minimum-

(a) Monitor the payment of financial restitution.

(b) Monitor the performance of community service. Community service information is provided in figure 1-1.

(c) Monitor all counseling of juvenile offenders.

(d) Monitor all ordered restrictions.

(e) Monitor all other ordered or agreed to provisions or conditions of probation.

(f) Meet on a regular basis with juvenile offenders and their parents or legal guardians during the period of supervised probation. The JPO will determine the frequency of such meetings.

(g) Maintain all records, forms, etc., relating to the Juvenile Offender Program.

(2) The JPO will immediately report all suspected violations of subparagraphs (a) through (e) above to the Juvenile Administrator.

(3) The JPO will perform all other duties as instructed by the Provost Marshal or Juvenile Administrator.

f. *Criminal Investigation Division*. Investigate and report, pursuant to regulation, acts of juvenile misconduct falling within its jurisdictional area. Coordinate all cases of juvenile misconduct with the Magistrate Court Prosecutor (minor offenses) or the Felony Prosecutor (serious offenses). Coordinate all cases of juvenile misconduct with the Juvenile Probation Office.

g. *Staff Judge Advocate*. Provide a representative to serve as legal advisor to the Juvenile Review Board. Render legal advice as to the proper disposition of cases involving juvenile misconduct. In appropriate cases, institute federal juvenile court proceedings.

h. *Director of Engineering and Housing*. Advise the Commanding General and Juvenile Administrator concerning the termination of government quarters.

i. *Child and Adolescent Mental Health Management Group*. Oversee the counseling of juvenile offenders who are referred pursuant to this regulation.

j. *School Resource Officer*. Advise the Juvenile Administrator and the JPO of situations involving suspensions or expulsions from learning institutions, which involve juvenile misconduct.

k. *Command Representative*. Monitor completion of sanctions. If the sanctions were ordered by the Juvenile Administrator, report the completion of sanctions to the Garrison Command Sergeant Major. If the sanctions were ordered by the Provost Marshal, report the completion of sanctions to the Provost Marshal. Attend Juvenile Review Board hearings.

6. JUVENILE REVIEW BOARD

a. The Board will consist of seven members (three voting and four nonvoting). The three voting members, President, Vice President, and Recorder) will be appointed by the Juvenile Administrator from a list of qualified individuals submitted by the Office of the Staff Judge Advocate.

b. The Vice President and Recorder will be in the grade of E-7 or above. The President will be an officer in the grade of O-4 or above.

c. All voting members should be chosen based on their ability to hear and decide issues fairly concerning juveniles.

d. Although not required, it is desirable that at least two of the voting members have children.

e. Although not required, it is desirable that at least two of the voting members live on post in government quarters.

f. Voting members will be appointed for a term of 12 months and may be reappointed for a second 12 month term.

g. The Vice President will preside in the absence of the President.

h. The four nonvoting members will be--

(1) A representative from the Office of the Staff Judge Advocate who will serve as the legal advisor to the Board.

(2) Juvenile Probation Officer

(3) A mental health or social work professional from the Blanchfield Army Community Hospital.

(4) School Resource Officer

i. Any voting member of the Board may tender his resignation to the Juvenile Administrator. Such resignation may be accepted because of permanent change of station, termination of active duty service, or other good cause determined by the Juvenile Administrator. Upon acceptance of a Board member's resignation, a new voting member will be appointed by the Juvenile Administrator as set forth above. Nonvoting members may be detailed by the responsible staff principal or commander (SJA, Provost Marshal, BACH commander, or DODDS).

7. PROCEDURES.

a. Reported Offenses. Violations of law or other misconduct committed by juveniles will be referred to the Military Police Investigations Section (JUV) for processing.

b. Rights Warning. Upon apprehending a juvenile for an offense, the apprehending MP will immediately notify a member of the Military Police Investigations, who will take custody of the juvenile. The juvenile's sponsor will be notified as soon as possible. Absent unusual circumstances, the sponsor will be present when the juvenile is advised of their legal rights. A written report will be made of the incident. The report will be given to the Military Police Desk Sergeant for inclusion into the Military Police Blotter. Such a report will be noted as a "Protected Identity". The original of the report will be forwarded to the Juvenile Section for further processing.

c. Waiver of the Juvenile Review Board. Upon the recommendation of the Juvenile Probation Officer and with the written concurrence of the Provost Marshal and the sponsor, a suspected juvenile offender may waive a hearing before the Juvenile Review Board. This waiver authorizes the Provost Marshal or his designated representative to take any corrective action deemed appropriate. Action taken by the Provost Marshal or his designated representative pursuant to a waiver cannot exceed the administrative sanction guidelines outlined in appendix A. Sample memoranda for waivers appear in figure 1-2.

d. Referral of Cases to Juvenile Review Board.

(1) The facts and circumstances of each case should be carefully considered in determining the appropriate disposition. Minor offenses should normally be handled without referral to the Board. Serious offenses should normally be referred to the Board for a hearing.

(2) Prior to referring a case to the Board, the sponsor and the juvenile offender will be afforded the opportunity to submit a waiver of a Board review (see paragraph 7c above).

(3) If the juvenile offender does not waive Board review, the case will be referred to the Juvenile Review Board for a hearing.

(4) The Juvenile Probation Officer, after consulting with the Provost Marshal and the Office of the Staff Judge Advocate, will refer cases to the Juvenile Review Board for a hearing.

(5) The Provost Marshal, Staff Judge Advocate, and Juvenile Administrator also have the authority to refer cases directly to the Board.

(6) The Juvenile Probation Officer will notify the sponsor and the command representative of the date, time, and location of the hearing in writing. The command representative is required to be present at the hearing. This memorandum, as shown in figure 1-3, will inform the sponsor and the command representative:

(a) The nature of the matter under review.

(b) That the sponsor is required to be present at the hearing.

(c) That the appearance of the suspected juvenile is requested but is not mandatory.

(d) The juvenile's right to be present, to review investigative reports, to present evidence and witnesses, to be represented by private counsel (or a personal representative) at no expense to the government, to question all witnesses who testify, and the right to remain silent.

(e) The possible actions which the board can recommend to the Juvenile Administrator.

(f) That the Board can review the case and make findings and recommendations in the absence of the juvenile and/or the sponsor.

(g) That for good cause, a delay in the hearing may be requested.

e. Board Proceedings.

(1) The Board must have a quorum before conducting a hearing and making findings and recommendations on any case. The presence of two voting members constitutes a quorum. The Juvenile Administrator and the President will have the right to properly excuse members from the hearing. All actions of the Board will be approved by majority vote. In cases of split voting (i.e., 2-1), the minority member may submit separate findings and recommendations to the Juvenile Administrator. In the case of a tie vote (i.e., 1-1), each member may submit separate findings and recommendations to the Juvenile Administrator.

(2) The juvenile offender will be notified at least five working days prior to the hearing. Such notification may be waived by the sponsor and the juvenile. If after proper notification the juvenile and/or sponsor fail to appear, the Board can review the case and make findings and recommendations.

(3) All evidence presented to the Board should be relevant and material to the conduct under review or to the fair and just disposition of the case. The rules of evidence, except those pertaining to privileges, do not apply. The Juvenile Probation Officer will provide a non-adversarial presentation of the case to the Board. Any member of the Board may ask questions of witnesses or request additional witnesses or evidence be presented to the Board.

(4) Hearings will be informal and the President will ensure that the hearing is conducted in a dignified, orderly, and fair manner. The President will establish the guidelines for the presentation of the case and explain them in advance to all participants. The President, for good cause, may at any time grant a delay if requested by the sponsor or juvenile, or any member of the Board.

(5) After receiving the evidence and all other matters presented to the Board, the President will close the hearing. [The Board may deliberate at that time or proceed to review another case.] Deliberations of the Board will be closed.

(6) The Board will find, by the preponderance of the evidence, if an act which constitutes criminal conduct under local, state, or federal law, or which endangers the health, welfare, safety, or morale of any individual on Fort Campbell was committed by the juvenile offender.

(7) Within ten working days of the hearing, the Board will submit, in writing, its findings and recommendations to the Juvenile Administrator for final action. While not required, the Board is encouraged to adapt DA Form 1574 (Report of Proceedings by Investigating Officer/Board of Officers) to record its findings and recommendations. The Juvenile Administrator may grant the Board, upon request, additional time to submit their findings and recommendations. The Recorder is responsible for preparing the Board's findings and recommendations.

(8) Upon finding that an offense has been committed, the Board may recommend that one or more of the following actions be taken against the responsible juvenile offender:

- (a) No adverse action.
- (b) Unsupervised probation
- (c) Supervised probation
- (d) Counseling [mandatory (see paragraph 8)].
- (e) Community service work.
- (f) Barring access or restriction from access without sponsor supervision to youth centers, theaters, bowling alleys, swimming pools, or other on-post facilities as recommended by the Board.
- (g) Restriction to quarters during the hours of darkness.
- (h) Termination of government quarters.

(i) Barring entrance to Fort Campbell, except to receive statutorily entitled medical care.

(j) Financial restitution to the victim(s). The guidelines for financial restitution are set forth in appendix B.

(k) Any other action deemed appropriate by the Board.

(9) The Board, in appropriate cases, may recommend deviations from the punishments authorized in appendix A. The Board must state, in writing, its reasons for recommending such deviation.

(10) There is no requirement that the Board prepare or retain a verbatim transcript of Board proceedings.

(11) The Board may impose immediate sanctions on the juvenile in order to protect the community. If the Board elects to impose immediate sanctions, the juvenile and his sponsor will be advised that they must comply with the sanctions immediately and that any violation of these sanctions may result in more severe sanctions. The hearing minutes will specifically note this advisement whenever the Board orders immediate sanctions.

f. Suspension. The Board may request that the Juvenile Administrator suspend all or any part of the action(s) recommended by the Board. The Board should state the suggested length of such suspension and its reasons for recommending the suspension. The Juvenile Administrator may suspend all or any part of ordered administrative sanctions for a period of not to exceed 12 months. The Juvenile Administrator may at any time during the period of suspension, and without a further hearing, vacate such suspension.

g. Multiple Juvenile Offenders. If more than one juvenile is suspected of committing or aiding in the commission of an offense, the Board may require all suspected juveniles (and their sponsors, and the command representatives) to appear before the Board at the same time. The Board may also order separate hearings for such juveniles.

h. Confidentiality. Proceedings conducted in accordance with this regulation are to be kept strictly confidential and will not be discussed outside official channels. Records and reports concerning juveniles are confidential in nature and will be used for official purposes only. Access to the record of Board proceedings will be restricted to those with an official need to know.

i. Action by the Juvenile Administrator. The Juvenile Administrator may accept or reject the findings and/or recommendations of the Board. The Juvenile Administrator may take any action, consistent with this regulation, he deems appropriate. This includes, but is not limited to, those listed in paragraph 7e(8) above. In appropriate cases, the Juvenile Administrator may deviate from the punishments authorized in appendix A. The Juvenile Administrator will state, in writing, the reasons for such deviation. The Juvenile Administrator may suspend all or any part of the ordered administrative sanctions for a period not to exceed 12 months. Prior to taking final action, the Juvenile Administrator will refer the case to the Office of the Staff Judge Advocate for a legal review.

j. Legal Review. The Office of the Staff Judge Advocate will review the findings and recommendations of the Juvenile Review Board. The Staff Judge Advocate or his representative (someone other than the non-voting SJA Board member) will also make any further recommendations deemed appropriate.

k. **Final Action.** The sponsor and juvenile offender will be notified of the action taken by the Juvenile Administrator. This notification, as shown in figure 1-4, will inform the juvenile offender and sponsor of the possible consequences for failure to comply with any administrative sanctions.

l. **Appeals.** There is no right of appeal from the decision of the Juvenile Administrator.

m. **Failure to Comply With Administrative Sanctions.** Failure by a juvenile offender to comply with any administrative sanction (including probation and payment of restitution) imposed by the Juvenile Administrator, or imposed by the Board, or by the Provost Marshal or his designated representative, will be reported to the Juvenile Administrator. If the Juvenile Administrator determines that the juvenile offender has not complied with any administrative sanction, then he may take one of the following actions:

(1) Order additional sanctions as prescribed by this regulation. The sponsor and juvenile offender will be notified of the additional action taken by the Juvenile Administrator.

(2) Require the sponsor and juvenile offender to appear before the Juvenile Administrator to show cause why additional sanctions should not be ordered. The sponsor and juvenile offender will be notified of the nature, date, time, and location of such meeting, and the possible additional sanctions which could be imposed by the Juvenile Administrator. If the sponsor and/or juvenile offender fail to appear at the "show cause" meeting, the Juvenile Administrator may order additional sanctions as prescribed by this regulation. The sponsor and juvenile offender will be notified of the additional action taken by the Juvenile Administrator.

(3) Refer the matter to the Juvenile Review Board for further review and recommendations. All procedures pertaining to the Board hearings will be followed. Upon receiving the Board's findings and recommendations, the Juvenile Administrator may order additional sanctions as prescribed by this regulation. The sponsor and juvenile offender will be notified of the additional action taken by the Juvenile Administrator.

8. **COUNSELING.** All juvenile offenders will be referred for evaluation by the Child and Adolescent Mental Health Management Group who will determine the frequency and content of such counseling.

9. **FURTHER ACTION.** Nothing in this regulation will prevent the Office of the Staff Judge Advocate, in appropriate cases, from instituting further legal proceedings against a juvenile offender.

**Fort Campbell Military Police Investigations
Office of Juvenile Probation**

COMMUNITY SERVICE INFORMATION SHEET

Purpose: To provide the parent or guardian with the necessary information to ensure they understand their responsibilities concerning the community service work to be performed by their dependent. This sheet will include information as to where and when to report for the community service. Also provided are some helpful telephone numbers for the appropriate offices.

Times: All community service work will not begin prior to 0830 hours. Early release is only granted on weekdays after successful completion of the mandated hours. Office hours are posted below.

Location: There are only two locations presently approved by the Juvenile Administrator for the purpose of community service. No exceptions will be made to this unless a formal Request for Exception to Policy memorandum is submitted to the Office of Juvenile Probation prior to the start of the community service. However, it is recommended that for a 1st time offense the Post Police location be utilized.

- Post Police: Located in building 5330, 9th Street and Tennessee Avenue, Ft. Campbell, KY. (Across the street from the Hooper Bowling Alley).
- Horse Stables and Kennels: Location adjacent to Lafayette and 101st Airborne Roads, Ft. Campbell, KY. (Across the street from the Army Travel Camp).

NOTICE: Coordination with each facility manager is required prior to the start of the community service. The parent or guardian will provide a copy of the Community Service Work Sheet Form to the facility manager who will be recording the hours completed each visit the dependent makes. The parent or guardian must sign their dependent in and out of the appropriate office, corresponding to their community service program. At no time will the dependent report to either of these locations alone, nor will they be released except to their parent or guardian. Upon completion of the community service, it is the responsibility of the sponsor to surrender the original copy of the Community Service Work Sheet to the Juvenile Probation Office.

Dress: Dependents reporting to community service must be dressed appropriately for the weather conditions and type of work to be performed. The wear of old clothing is highly recommended. No open-toed shoes are permitted. Boots or high top sneakers, long pants, and work gloves are highly recommended, regardless of the time of year.

Meals: All meals are the responsibility of the parent or guardian and will not be provided. There are soda machines at each of the locations for public use, as well as refrigerators for storage of sack lunches. Dependents performing community service will not be released to purchase a lunch unless they are picked up, and signed out, by their sponsor.

Scheduling: The community service will be completed within a reasonable amount of time, following the imposition of administrative sanctions. The community service will be completed during the term of probation defined by the sanctions, and should be completed far before the probation period ends. If the community service cannot be completed during the term of probation the Juvenile Probation Office will be provided a written explanation, in memorandum form, from the sponsor as to why this cannot or has not been accomplished. If for any reason the juvenile cannot report for their community service work, the Juvenile Probation Office will be notified prior to the date scheduled for service work.

Misconduct while performing Community Service: IAW with Fort Campbell Regulation 190-3, para 4b, "The juvenile's sponsor will personally supervise performance of community service work." Any reports of unruly behavior (i.e. attitude problems) between the site manager and juvenile, refusal to work or cooperate will be considered a violation of probation as well as any other violations of Administrative Sanctions, Regulations and State or Federal Laws and will be reported to the Juvenile Probation Office and forwarded to the Garrison Commander. Violations may result in further and more severe disciplinary actions.

FIGURE 1-1

Helpful telephone numbers and office hours:

Juvenile Probation Office: 798-6281 or 956-4326
Office hours: 0900-1600, Monday, Tuesday, Wednesday, and Friday. 1300-1600 on Thursdays.
(Except holidays and DONSA's)

There are currently two Juvenile Probation Officers on Ft. Campbell, KY, they are

1. INV _____
2. INV _____

Post Police (Recommended for 1st offense); 798-2090
Office Hours; 0830-1600, Monday thru Friday
(Except Holidays)
0830-1200, Saturday and Sunday

Horse Stables and Kennels; 798-2629
Office Hours; 0800-1600, Wednesday thru Sunday
(Except Holidays)

Inquiries as to weather decisions are made by each community center and can be answered by telephone each morning.

Should you have any questions concerning the scheduling of community service directed to be performed, direct those questions to the Juvenile Probation Office during the office hours.

SIGNATURE BLOCK
INV, USA
Juvenile Probation Officer

FIGURE 1-1, CONTINUED

SUBJECT: Waiver of Board Review – **JUVENILE, Info**, SSN: 000-00-0000, Ft Campbell, KY 42223

SPONSOR, SSN: 000-00-0000, UNIT, Ft Campbell Ky. 42223

1. Pursuant to CAM Reg 190-3, para 7c, the following administrative sanctions are recommended against your family member, XXXXXX, XXX, for **OFFENSE (STATUTE)** on XX SEP 99:

- a. **180** days restriction from all AAFES facilities to begin on **XX JAN 00** ending **XX JUN 00**.
- b. **60** days restriction to quarters during the hours of darkness to begin on **0001, XX JAN 00** and ending **2400, XX MAR 00**.
- c. **60** days restriction from all youth centers, theaters, bowling alleys, and swimming pools to begin on **0001, XX JAN 00** and ending **2400, XX MAR 00**.
- d. **6** work units of community service (**48 hours**).
- e. **9** months supervised probation beginning at **0001, XX SEP 99** and ending **2400, XX JUN 00**.

2. By accepting this agreement, you understand you waive your family member's right to a hearing in this matter before the Juvenile Review Board.

3. In accordance with Fort Campbell Regulation 190-3, para 4b "The juvenile's sponsor will personally supervise performance of community service work, unless excused in advance by the Garrison Commander or the Garrison Command Sergeant Major."

4. You further understand that any violations of these sanctions will be reported to the Garrison Commander and may result in further and more severe disciplinary actions. Further incidents of misconduct involving your family member may result in them being barred from the Fort Campbell military reservation and/or your family being evicted from government quarters.

SIGNATURE BLOCK
Juvenile Probation Officer

FIGURE 1-2

AFZB-PS-P (AFZB-PS-P-MPI/01 JAN 00) (FC REG 190-3)(AR 600-8-14) 1st End INV OTEY/rpp/com
798-6281

SUBJECT: Waiver of Board Review – JUVENILE INFO

Installation Provost Marshal, Ft. Campbell, KY 42223-5136

XX XXX 00

FOR SPONSOR INFO, SSN:000-00-0000, UNIT, Ft Campbell, KY 42223

I concur with the Juvenile Probation Officer's recommendations.

SIGNATURE BLOCK
RANK, MP
Installation Provost Marshal

FIGURE 1-2, CONTINUED

AFZB-PS-P (AFZB-PS-P-MPI/(01 JAN 00) (FC REG 190-3)(AR 600-8-14) 2d End INV OTEY/rpp/com 798-6281

SUBJECT: Waiver of Board Review –**JUVENILE INFO**, SSN: 000-00-0000, ADDRESS., Ft Campbell, KY 42223

SPONSOR INFO., SSN:000-00-0000, UNIT, Ft Campbell, KY 42223

1 JAN 00

FOR Juvenile Probation Officer

1. I accept/decline the administrative sanctions against my family member. I understand the sanctions to be:

- a. **180** days restriction from all AAFES facilities to begin on **1 JAN 00** and ending **XX JUN 00**.
- b. **60** days restriction to quarters during the hours of darkness to begin on **0001, XX JAN 00** and ending **2400, XX MAR 00**.
- c. **60** days restriction from all youth centers, theaters, bowling alleys, and swimming pools to begin on **0001, XX JAN 00** and ending **2400, XX MAR 00**.
- d. **6** work units of community service (**48 hours**).
- e. **9** months supervised probation beginning on **0001, XX JAN 00** ending **2400, XX SEP 00**.

2. By accepting this agreement, I understand that I waive my family member's right to a hearing in this matter before the Juvenile Review Board.

3. In accordance with Fort Campbell Regulation 190-3, para 4b "The juvenile's sponsor will personally supervise performance of community service work, unless excused in advance by the Garrison Commander or the Garrison Command Sergeant Major."

4. I further understand that any violations of these sanctions will be reported to the Garrison Commander and may result in further and more severe disciplinary actions. Further incidents of misconduct involving my family member may result in them being barred from the Fort Campbell military reservation and/or my family being evicted from government quarters.

SPONSOR SIGNATURE BLOCK
RANK, US Army
UNIT

FIGURE 1-2, CONTINUED

AFZB-PM-I

1 Jan 00

MEMORANDUM THRU Commander, (Brigade Level Unit)

Commander, (Battalion Level Unit)

Commander, (Company Level Unit)

SUBJECT: Juvenile Review Board--(Suspect's name)

1. On (date of JRB), the Juvenile Review Board (JRB) will hold an administrative hearing on an incident involving (Suspect's name), the family member/son/daughter of (Sponsor Name) in your command. A copy of the notification letter to (Sponsor Name) is enclosed. This hearing is open and the chain of command is encouraged to attend.

2. POC is the Juvenile Probation Officer at 798-6281.

FOR THE COMMANDER:

Encl

SIGNATURE BLOCK
President, JRB

CF: CSM, (Brigade Level)

FIGURE 1-3

MEMORANDUM FOR (Sponsor of Suspect, Rank: First, Last, Company assigned)

SUBJECT: Notification of the Juvenile Review Board Hearing for family member/son/daughter, (Suspect's name).

1. On (date of offense), your son/daughter, (Suspect's name) was suspected of committing an offense on Fort Campbell, Kentucky, to wit: (Offense Title). As a result of this suspected misconduct, pursuant to CAM Reg 190-3, a hearing of this matter has been scheduled to come before the Juvenile Review Board on (date of JRB), at (time). You and your Command Representative (Commander or First Sergeant) are required to be present at this hearing. Although not mandatory, your son's/daughter's presence is also requested. This hearing is informal and will be held in the United States Magistrate Courtroom, Building 2950, 35th and Indiana Avenue, Fort Campbell, Kentucky.
2. Military personnel will be in the BDU uniform and all others should be appropriately attired befitting a hearing. You should arrive at the appointed place no later than fifteen minutes prior to the time scheduled for your hearing.
3. At the hearing you and your son/daughter are entitled to the following rights:
 - a. To be present.
 - b. To review the investigative reports pertaining to the alleged misconduct.
 - c. To be represented by private council (or personal representative) at no expense to the government.
 - d. To present and question all witnesses who testify.
 - e. To present evidence on behalf of your son/daughter.
 - f. To remain silent.
4. The Juvenile Review Board will make findings and recommendations to the Juvenile Administrator (Garrison Commander) who will take final actions on this matter. Enclosure #1 lists the administrative actions which may be taken if your son/daughter is found to have committed the offenses listed above.
5. The Juvenile Review Board may proceed to review this matter in the absence of you and your son/daughter. For good cause, you may request a delay in the hearing. Such requests should be in writing and forwarded to the Provost Marshal's Office, ATTN: Juvenile Probation Office.
6. Please give this matter your immediate attention. A copy of CAM Reg 190-3 (Juvenile Offender Program) is available in this office for review.
7. If you have any questions pertaining to this matter, please contact the undersigned at 798-6281.

Encl:

SIGNATURE BLOCK
Juvenile Probation Officer

CF: Commander, (Sponsor's Company)

FIGURE 1-3, CONTINUED

DEPARTMENT OF THE ARMY
Headquarters, 101st Airborne Division (Air Assault) & Fort Campbell
Fort Campbell, Kentucky 42223-5000

CERTIFIED MAIL-RETURN RECEIPT

Sponsor
Quarters 100
Fort Campbell, Kentucky 42223

Subject: Juvenile Hearing

Dear Sponsor:

I have carefully reviewed the findings and recommendations concerning your family member's misconduct on Fort Campbell (offense description). As a result of this misconduct, and pursuant to CAM Reg 190-3, you are hereby notified of the administrative sanctions which are now being imposed against your family member:

1. **180** days restriction from all AAFES facilities.
2. **60** days restriction to quarters during the hours of darkness.
3. **60** days restriction from all youth centers, theaters, bowling alleys, and swimming pools.
4. **6** work units of community service (**48 hours**).
5. **9** months supervised probation.
6. Counseling by the Child and Adolescent Psychological Services(CAPS).

You should immediately contact the Juvenile Probation Office at 798-6281 to receive further instructions. You are expected to ensure your family member complies with each of the above sanctions. Failure to abide by the above sanctions could result in the imposition of additional, more severe, administrative sanctions. These could include your family member being barred from post and the termination of your government quarters. Such action may be taken without a further hearing.

Sincerely,

Juvenile Administrator

Copy Furnished:
Soldier's Commander

FIGURE 1-4

Appendix A

JUVENILE OFFENSES AND PUNISHMENTS

Section I. General

A-1. APPLICABILITY OF GUIDELINES. The punishments listed in this appendix are for guidance purposes and are not binding on the Juvenile Administrator. The Juvenile Administrator may take any action deemed appropriate in any individual case.

A-2. RESTITUTION. Financial restitution may be ordered as deemed appropriate by the Juvenile Administrator or Provost Marshal (see appendix B).

Section II. OFFENSES

A-3. CLASS A OFFENSES.

a. Wrongful Possession, Distribution, and/or Use of Controlled Substances [Title 21, United States Code (U.S.C.), Kentucky Revised Statutes (K.R.S.), Chapter 218A, Tennessee Code Annotated (T.C.A.) 39-17-401-409].

b. Possession of a Concealed Deadly Weapon (18 U.S.C. 921, K.R.S. 527.020, T.C.A. 39-17-1307).

c. Larceny/Shoplifting Over \$100 (18 U.S.C. 641, K.R.S. 514.030, T.C.A. 39-14-103-105).

d. Burglary/Unlawful Entry (K.R.S. 511.010-040, T.C.A. 37-14-401-407).

e. Serious Offenses. All other serious offenses [as defined in paragraph 4o (definitions)] not specifically listed.

A-4. CLASS B OFFENSES.

a. Wrongful Possession and/or Use of Alcohol (21 U.S.C. 844, K.R.S. 244.085, T.C.A. 39-17-310, 703).

b. Simple Assault (18 U.S.C. 113 (4,5), K.R.S. 508.030, T.C.A. 39-13-101)

c. Larceny/Shoplifting Under \$100 (18 U.S.C. 641, 661, K.R.S. 514.030, T.C.A. 39-14-103-105).

d. Damage of Property/Vandalism (18 U.S.C. 1361, K.R.S. 512.020-040, T.C.A. 39-14-408).

e. Destruction of Property (18 U.S.C. 1363, K.R.S. 512.020-040, T.C.A. 39-14-408).

f. Driving Under the Influence of Drugs or Alcohol (K.R.S. 189.520, T.C.A. 55-10-401).

g. Vehicular Injury or Damage to Property. Any traffic offense committed by an unlicensed juvenile which results in injury to another, or damage to property of another.

h. Violation of Probation. Violation of probation which was ordered pursuant to this regulation.

i. Minor Offenses. All other minor offenses [as defined in paragraph 4k (definitions)] not specifically listed.

A-5. CLASS C OFFENSES.

a. Trespass/Entering Off Limits Area (18 U.S.C. 1382-83, K.R.S. 511.060-090, T.C.A. 39-14-405-407).

b. Disorderly Conduct/Loitering/Violation of Curfew (K.R.S. 525.060, T.C.A. 39-17-305) (CAM Reg 210-1).

c. Driving Without a License (K.R.S. 186.410, T.C.A. 55-50-301).

d. Minor Traffic Offenses. Any traffic offenses not otherwise listed and committed by an unlicensed minor while operating a motor vehicle that, if committed by an adult, requires a mandatory Magistrate Court Appearance.

A-6. TRAFFIC OFFENSES COMMITTED BY UNLICENSED JUVENILES. An unlicensed juvenile is a person under the age of 18 years old who has never had been licensed to drive a motor vehicle in any state. It also includes juveniles who have a suspended or revoked license. A juvenile with a limited driver's permit (e.g., operating farm vehicles only on a farm) or a learning driver's permit who operates a motor vehicle in violation of the limitations set forth on the driver's permit will be considered unlicensed for the purpose of this regulation.

A-7. TRAFFIC OFFENSES COMMITTED BY LICENSED JUVENILES. Traffic offense committed by licensed juveniles will be handled in the United States Magistrate Court whenever possible. If a particular violation cannot be heard by the Magistrate, corrective sanctions may be imposed under procedures and guidelines for unlicensed juveniles pursuant to this regulation.

A-8. ATTEMPTS/CONSPIRACIES TO COMMIT (18 U.S.C. 371-73, K.R.S. 506.030-100, T.C.A. 39-12-101-107). Attempts to commit or conspiracy to commit any offense are punishable by the allowable administrative sanctions for the attempted or contemplated offense.

Section III. SANCTION GUIDELINES

A-9. CLASS A OFFENSE

a. First offense.

(1) Ninety days restriction to quarters during the hours of darkness.

(2) Ninety days restriction from all youth centers, theaters, bowling alleys, and swimming pools.

(3) Nine work units of community service.

(4) Twelve months probation (supervised or unsupervised).

b. Second and Subsequent Offenses.

(1) One hundred and eighty days restriction to quarters during the hours of darkness.

(2) One hundred and eighty days restriction from all youth centers, theaters, bowling alleys, and swimming pools.

(3) Twelve work units of community service.

(4) Twenty-four months probation (supervised or unsupervised).

A-10. CLASS B OFFENSE

a. First Offense.

(1) Sixty days restriction to quarters during the hours of darkness.

(2) Sixty days restriction from all youth centers, theaters, bowling alleys, and swimming pools.

(3) Six work units of community service.

(4) Nine months probation (supervised or unsupervised).

b. Second and Subsequent Offenses.

(1) One hundred and twenty days restriction to quarters during the hours of darkness.

(2) One hundred and twenty days restriction from all youth centers, theaters, bowling alleys, and swimming pools.

(3) Nine work units of community service

(4) Eighteen months probation (supervised or unsupervised)

A-11. CLASS C OFFENSE

a. First offense.

(1) Thirty days restriction to quarters during the hours of darkness.

(2) Thirty days restriction from all youth centers, theaters, bowling alleys, and swimming pools.

(3) Three work units of community service.

(4) Ninety days probation (supervised or unsupervised).

b. Second and Subsequent Offenses.

(1) Sixty days restriction to quarters during the hours of darkness.

(2) Sixty days restriction from all youth centers, theaters, bowling alleys, and swimming pools.

(3) Six work units of community service

(4) One hundred and eighty days probation (supervised or unsupervised)

A-12. MULTIPLE COUNTS BASED UPON SAME CONDUCT. Juvenile offenders may receive administrative sanctions for each separate offense. However, regardless of the number of offenses, a juvenile offender normally will not receive administrative sanctions greater than:

a. One hundred and eighty days restriction to quarters during the hours of darkness.

b. One hundred and eighty days restriction from all youth centers, theaters, bowling alleys, and swimming pools.

c. One hundred and eighty days restriction from the post exchange, commissary, and all shoppettes, and confiscation or modification of ID card.

d. Twelve work units of community service.

e. Twenty-four months probation (supervised or unsupervised)

Appendix B

FINANCIAL RESTITUTION

B-1. GENERAL. The Juvenile Administrator can, in appropriate cases, order the juvenile offender to make financial restitution for damages or loss attributable to the juvenile offender's misconduct. In determining the amount of restitution to be ordered, the Juvenile Administrator will consider the monetary value of the loss or damage and the financial ability of the juvenile (and sponsor) to make restitution.

B-2. METHOD OF PAYMENT. The Juvenile Administrator may direct restitution to be paid in full by a specific date. Upon request by the juvenile or sponsor, restitution may be ordered to be made in monthly installments until paid in full.

B-3. MULTIPLE VICTIMS. If there is more than one victim, and full restitution is not directed by a specific date, the Juvenile Administrator will direct the manner in which monthly restitution payments will be distributed.

B-4. MULTIPLE OFFENDERS. If more than one juvenile offender is found to be responsible for the loss or damage, the Juvenile Administrator will apportion the required restitution on a pro-rata basis among the responsible juveniles.

B-5. PAYMENT BY SPONSOR. The Juvenile Administrator should, in appropriate cases, require the sponsor of a juvenile offender to make financial restitution (up to the limits established by law). This agreement should be evidenced by a completed "Agreement to Pay Financial Restitution" as shown in figures B-1 and B-2.

B-6. MONITORING OF RESTITUTION. The Juvenile Probation Officer will ensure each victim receives the notice of restitution. The Juvenile Probation Officer will immediately report all suspected failures to make restitution to the Juvenile Administrator.

B-7. CONSENT OF VICTIM. While not required, a reasonable effort should be made to obtain the victim's consent to any ordered restitution. Such consent should be evidenced by a completed "Victim's Agreement to Forego Judicial Proceedings" as shown in figure B-3.

B-8. FURTHER ACTION. The Juvenile Administrator may, either before ordering restitution, in conjunction with a restitution order, or after restitution has been ordered, direct other corrective action to be taken. Such action may include any

administrative sanctions originally authorized for the offense(s) committed by the juvenile, and any other administrative sanctions the Juvenile Administrator deems appropriate.

B-9. PROVOST MARSHAL'S AUTHORITY. The Provost Marshal may also order restitution when the juvenile offender waives a Juvenile Review Board hearing under paragraph 7c. All other guidance in this regulation, which refers to restitution ordered by the Juvenile Administrator, applies equally to restitution ordered by the Provost Marshal.

**AGREEMENT TO PAY FINANCIAL RESTITUTION
(KENTUCKY)**

I, _____, am the (parent) (legal guardian) of _____.
(Parent or Guardian) (Juvenile Offender)

_____ has (admitted to)(been found responsible for) intentionally damaging or
(Juvenile Offender)

destroying the property of _____, to wit: _____.
(Victim) (List Property)

_____. This occurred on or about _____.
(Date of Offense)

I understand the monetary loss equals \$_____.

I further understand that under Kentucky Law (KRS 405.025) I may be held financially responsible, up to \$2,500.00, for my child's willful damage of another's personal or real property.

In consideration of the above, and the agreement of the victim(s) and the United States to forego formal judicial proceedings, I hereby agree to pay restitution of \$_____. This restitution is payable to the (Juvenile Probation Officer) (Victim) (Claims Office) as follows:_____.

I understand that failure to make financial restitution as agreed could result in further legal proceedings against my child and/or me.

Parent or Legal Guardian

Date: _____

Parent or Legal Guardian

Date: _____

Special Assistant U.S. Attorney

Date: _____

FIGURE B-1

**AGREEMENT TO PAY FINANCIAL RESTITUTION
(TENNESSEE)**

I, _____, am the (parent) (legal guardian) of _____.
(Parent or Guardian) (Juvenile Offender)

_____ has (admitted to)(been found responsible for) intentionally damaging or
(Juvenile Offender)

destroying the property of _____, to wit: _____.
(Victim) (List Property)

_____. This occurred on or about _____.
(Date of Offense)

I understand the monetary loss equals \$_____.

I further understand that under Tennessee Law (T.C.A. 37-10-101) I may be held financially responsible, up to \$10,000.00, for my child's willful damage of another's personal or real property.

In consideration of the above, and the agreement of the victim(s) and the United States to forego formal judicial proceedings, I hereby agree to pay restitution of \$_____. This restitution is payable to the (Juvenile Probation Officer) (Victim) (Claims Office) as follows:_____.

I understand that failure to make financial restitution as agreed could result in further legal proceedings against my child and/or me.

Parent or Legal Guardian

Date: _____

Parent or Legal Guardian

Date: _____

Special Assistant U.S. Attorney

Date: _____

FIGURE B-2

VICTIM'S AGREEMENT TO FOREGO JUDICIAL PROCEEDINGS

I, _____, am the owner of property which was damaged or destroyed on or
(Victim)

about _____, by _____. The damaged or destroyed
(Date of Offense) (Juvenile Offender)

property is as follows: _____. I agree my monetary loss
(List of Property)

equals \$_____.

I understand I am to receive restitution as follows: _____. I
(Terms of Restitution)

agree not to pursue judicial proceedings of any type against _____ or
(Juvenile Offender)

(his)(her) parent(s) or legal guardian(s) if the terms of the ordered or agreed restitution are complied with.

I further agree to honor and abide by the decision of Fort Campbell's Juvenile Administrator concerning the fulfillment of any ordered or agreed restitution, and any modifications to such orders or agreements approved by the Juvenile Administrator.

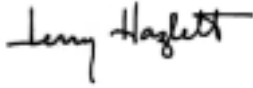
(Victim)

Date: _____

FIGURE B-3

AFZB-PS-P

FOR THE COMMANDER:

A handwritten signature in black ink, appearing to read "Jerry Hazlett". The signature is written in a cursive, flowing style.

JERRY HAZLETT
Chief, Admin Services Division

DISTRIBUTION:
Intranet

OFFICIAL:
B. R. FITZGERALD
COL, IN
Garrison Commander